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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,595	09/25/2003	Kouji Yokouchi	2091-0289P	1313
2292 7590 08/09/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER PHUONG, DAI	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 08/09/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/669,595	Applicant(s) YOKOUCHI, KOUJI	
	Examiner Dai A. Phuong	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments, filed 05/25/2007, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claims 1-30 are currently pending.

DETAILED ACTION

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 7, 11, 17, 21 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Helferich (Pub. No: 20070117541).

Regarding claim 1, Helferich discloses method for sending an E-mail message from a sender terminal to a recipient mobile terminal as a destination of the E-mail message (fig. 1, [0046]), the method comprising the steps of:

storing the E-mail message sent with a reception location being specified by the sender terminal (fig. 1, [0046]);

making a judgment as to whether or not the recipient mobile terminal particularly specified in the E-mail message is at the reception location (fig. 1, [0046]); and

sending the E-mail message to the recipient mobile terminal in the case where a result of the judgment is affirmative (fig. 1, [0046]).

Regarding claim 2, Helferich discloses all the limitation in claim 1. Further, Helferich discloses the E-mail sending method wherein, in the case where the E-mail message sent from the sender terminal designates reception time, the step of making a judgment is the step of making a judgment as to whether or not the reception time has come, in addition to the judgment as to whether or not the recipient mobile terminal is at the reception location, and wherein the step of sending the E-mail message is the step of sending the E-mail message to the recipient mobile terminal in the case where a result of the judgment as to whether or not the reception time has come becomes affirmative and the result of the judgment as to whether or not the recipient mobile terminal is at the reception location is also affirmative (fig. 1, [0046]).

Regarding claim 7, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 11, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 17, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 21, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 27, this claim is rejected for the same reason as set forth in claim 1.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4, 8-10, 12-14, 18-20, 22-24 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helferich (Pub. No: 20070117541) in view of Brady, Jr. (U.S. 7071842).

Regarding claim 3, Helferich discloses all the limitation in claim 2. However, Helferich does not disclose the E-mail sending method further comprising the step of sending the E-mail message to the recipient mobile terminal in the case where the result of the judgment as to whether or not the recipient mobile terminal is at the reception location is negative after a predetermined time has elapsed since starting of the judgment as to whether or not the reception time has come.

In the same field of endeavor, Brady, Jr. discloses the E-mail sending method further comprising the step of sending the E-mail message to the recipient mobile terminal in the case where the result of the judgment as to whether or not the recipient mobile terminal is at the reception location is negative after a predetermined time has elapsed since starting of the judgment as to whether or not the reception time has come (col. 6, line 50 to col. 7, line 54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cellular phone of Helferich by specifically including the E-mail sending method further comprising the step of sending the E-mail message to the recipient mobile terminal in the case where the result of the judgment as to whether or not the recipient mobile terminal is at the reception location is negative after a predetermined time has elapsed

since starting of the judgment as to whether or not the reception time has come, as taught by Brady, Jr., the motivation being in order to provide a new and improved matching system and method that connects mobile users with their expressed favorite or desired types of people, places and/or things as they travel and also provide a new and improved matching system and method that uses the exact, stated preferences of the users to allow information to be specifically targeted to users who are the most likely interested in the information.

Regarding claim 4, Helferich discloses all the limitation in claim 1. However, Helferich does not disclose the E-mail sending method further comprising the step of sending the E-mail message to the recipient mobile terminal in the case where the result of the judgment as to whether or not the recipient mobile terminal is at the reception location is negative after a predetermined time has elapsed since transmission of the E-mail message by the sender terminal.

In the same field of endeavor, Brady, Jr. discloses the E-mail sending method further comprising the step of sending the E-mail message to the recipient mobile terminal in the case where the result of the judgment as to whether or not the recipient mobile terminal is at the reception location is negative after a predetermined time has elapsed since transmission of the E-mail message by the sender terminal (col. 6, line 50 to col. 7, line 54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cellular phone of Helferich by specifically including Brady, Jr. discloses the E-mail sending method further comprising the step of sending the E-mail message to the recipient mobile terminal in the case where the result of the judgment as to whether or not the recipient mobile terminal is at the reception location is negative after a predetermined time

has elapsed since transmission of the E-mail message by the sender terminal, as taught by Brady, Jr., the motivation being in order to provide a new and improved matching system and method that connects mobile users with their expressed favorite or desired types of people, places and/or things as they travel and also provide a new and improved matching system and method that uses the exact, stated preferences of the users to allow information to be specifically targeted to users who are the most likely interested in the information.

Regarding claim 8, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 9, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 10, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 13, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 20, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 22, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 23, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 24, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 28, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 29, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 30, this claim is rejected for the same reason as set forth in claim 4.

Allowable Subject Matter

6. Claims 5-6, 15-16 and 25-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 5, the prior art record does not disclose nor fairly suggest *the E-mail sending method further comprising the step of sending an E-mail message to the sender terminal for notifying that the E-mail message has been sent.*

Regarding claim 6, the prior art record does not disclose nor fairly suggest *the E-mail sending method further comprising the step of sending an E-mail message to the sender terminal for notifying that the E-mail message has been sent ([0061] to [0066]).*

Regarding claim 15, this claim is objected for the same reason as set forth in claim 5.

Regarding claim 16, this claim is objected for the same reason as set forth in claim 6.

Regarding claim 25, this claim is objected for the same reason as set forth in claim 5.

Regarding claim 26, this claim is objected for the same reason as set forth in claim 6.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong

AU: 2617

Date: 07/23/2007



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